

Notice of Allowability

Application No.

09/877,645

Examiner

Shay L Balsis

Applicant(s)

CABEDO-DESLIERRES ET AL.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/20/04.
2. ☒ The allowed claim(s) is/are 2 (renumbered 1).
3. ☒ The drawings filed on 5/12/04 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Maria Deslierres on 10/20/04.

The application has been amended as follows:

Cancel claim 1

Enter claim 2 as follows:

Claim 2: A toothbrush providing multiple replaceable dental tools in one assemblage comprising:

- (a) a brush handle and an integrally formed brush head at one end of said handle,
said brush head including a plurality of bristles for brushing teeth,
said brush handle including two parallel hollow cylindrical tubes for grasping
said toothbrush,
wherein said tubes each comprise an internal recess chamber for
holding and guiding an interdental hard brush, a periodontal gum
massager stimulator tip, or any other combination of periodontal tools
as they extend for use and retract for protection while not in use; and
- (b) a cylindrically shaped slider located within each cylindrical tube that slides within
said recess chamber, and
- (c) an extension tube comprising a first and second end wherein said second end of
extension tube is removably received within said slider,
said first end of extension tube can removably hold and retain an interdental
hard brush, a periodontal gum massager stimulator tip, or any other
combination of periodontal tools, and

(d) a slot extending through a wall of each cylindrical tube, and

(e) a button partially extending through each slot,

wherein a part of said button is attached to each slider inside said cylindrical tube and a part of said button can be moved horizontally by finger movement outside said cylindrical tube; and

wherein said slots in the wall of said cylindrical tube control and guide the movement of said buttons, and define the travel length of said buttons and said sliders; and

wherein said extension tubes that are attached to said sliders can extend out of an open end of said recess chamber a distance equivalent to the length of said slots in said cylindrical tubes; and

(f) a hinged close-out cover attached to said open end of each recess chamber to inhibit and prevent contamination from entering while said periodontal tools are not in use.

The following is an examiner's statement of reasons for allowance:

Claim 2 includes the limitation of a slider located within each cylindrical tube.

There is an extension tube with a first and second end. The second end is received within the slider and the first end comprises a periodontal tool. The extension tube and slider are separate components that are removable from each other. Additionally, the periodontal tool is removable from the first end of the extension tube for replacement purposes. O'Conke ('212) teaches a single tube comprising a periodontal tool. O'Conke fails to teach a separate slider that encompasses an end of the extension tube. Additionally, O'Conke does not teach a replaceable tool located on an end of the extension tube. Olson ('075) teaches two chambers each holding a separate periodontal tool however Olson does not teach the use of sliders or extension tubes. For the above reasons the claimed invention is free from the prior art.

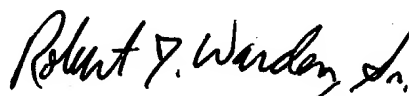
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on 571-272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
10/20/04



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